

Message Text

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ACTION SIL-01

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FM AMEMBASSY SAIGON

TO SECSTATE WASHDC 2706

INFO AMEMBASSY NEW DELHI

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E.O. 11652: N/A

TAGS: OCON ELAB

SUBJECT: LABOR ATTACHE CONFERENCE

REF: STATE 028355

1. LABOR ATTACHE EMIL G LINDAHL AND WIFE WILL ARRIVE NEW DELHI ON PAA#1 MARCH 19 AND WILL DEPART MARCH 27.
 2. MISSION BELIEVES CONFERENCE OFFERS EXCELLENT OPPORTUNITY FOR PARTICIPANTS TO RECEIVE A REPORT ON THE ROLE OF THE VIETNAMESE LABOR UNIONS, PARTICULARLY THE CVT, IN THE ECONOMIC, SOCIAL AND POLITICAL DEVELOPMENTS OF SOUTH VIETNAM AND CONCURRENTLY DISCUSS MEANS FOR MORE EFFECTIVELY PROMOTING US POLICY ON VIETNAM WITH THE LABOR UNIONS AND OTHERS IN THEIR HOST COUNTRIES. THEREFORE, WE STRONGLY RECOMMEND THAT THIS TOPIC BE PROVIDED A PLACE ON THE AGENDA AT A TIME WHEN ALL PARTICIPANTS CAN BE PRESENT. MR LINDAHL WOULD BE PREPARED TO MAKE THE PRESENTATION AND LEAD THE DISCUSSION.
 3. WE ALSO RECOMMEND THAT A PLACE ON THE AGENDA BE PROVIDED FOR A DISCUSSION OF THE LONGSHOREMEN'S AND HARBOR WORKERS' ACT AND THE DEFENSE BASES ACT, AND THE NEED TO PROVIDE THE PROTECTION OF OTHER US FEDERAL LAWS FOR AMERICAN CITIZENS WORKING FOR US-INVITED CONTRACTORS ABROAD, SUCH AS THE WALSH-HEALY ACT AND DAVIS BACON ACT. WE THINK THE RELATIONSHIP THE USG HAS WITH ITS CITIZENS ABROAD, PARTICULARLY THE FACT THAT ONLY PART OF US LAWS APPLY NEEDS RE-
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EXAMINATION. THE USG, THROUGH ITS INVITED CONTRACTORS IS BEING SUED

IN LOCAL COURTS BY FORMERLY EMPLOYED TCNS AND AMERICANS TO OBTAIN RETROACTIVE PAYMENT OF JOB BENEFITS ROUTINELY PROVIDED FOR BY FEDERAL LAW, SUCH AS OVERTIME, AND DENIED THEM IN EMPLOYMENT AGREEMENTS US-INVITED CONTRACTORS PROVIDE. SUCH A DISCUSSIONSGSHOULD INCLUDE PEOPLE EXPERIENCED IN THESE MATTERS FROM CINCPAC, THE DEPARTMENTS OF DEFENSE, LABOR AND STATE. AT LEAST FOUR AMERICANS ARE SUING A US-INVITED CONTRACTOR TO OBTAIN PROVISIONS OF VIETNAMESE LABOR LAW NOT PROVIDED FOR IN THEIR CONTRACT, SUCH AS FAMILY BENEFITS.

4. AS AN APPENDAGE TO PARA 3, WE THINK THERE NEEDS TO BE A DISCUSSION

OF THE APPLICATION OF THE PHILIPPINES OFFSHORE LABOR AGREEMENT. WE HAVE RECENTLY BEEN INFORMED BY A MAJOR US-INVITED CONTRACTOR THAT 80 FILIPPINOS, ALL FORMERLY EMPLOYED BY THE CONTRACTOR, ARE NOW SUING IN THE VIETNAMESE COURTS TO OBTAIN THE BENEFITS OF VIETNAMESE LABOR LAW NOT PROVIDED FOR IN THE OFFSHORE AGREEMENT.
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